

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TOMMY DILLE,

Plaintiff,

v.

DAY & ZIMMERMANN NPS and DAVE  
BALATINCZ,

Defendants.

CIVIL ACTION  
NO. 13-2668

**ORDER**

**AND NOW**, this 29<sup>th</sup> day of July, 2014, upon consideration of Defendants' Motion to Dismiss (Docket #2) and all supporting and opposing briefs, it is hereby **ORDERED** that the Motion is **GRANTED** as follows:

1. To the extent Plaintiff raises a wrongful discharge claim alleging that his discharge was unfair or based on false information, that claim is **DISMISSED WITH PREJUDICE**.
2. To the extent Plaintiff raises a retaliation or whistleblower claim related to his alleged report of a safety issue, that claim is **DISMISSED WITHOUT PREJUDICE**.
3. Plaintiff may file an amended complaint within 30 days raising a retaliation or whistleblower claim supported by more specific allegations and identifying the legal provision or provisions that prohibit discharge based on his report of a safety issue.
4. The Court's stay of discovery in this matter shall remain in effect.

**BY THE COURT:**

**/s/ Jeffrey L. Schmehl**  
Jeffrey L. Schmehl, J.